THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.2979 of 2007

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Date: 20.02.2007

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Between:
V.S.Tangam

....Petitioner

and

The Additional Secretary and another.

....Respondents

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O R D E R:

The vehicle of the petitioner, bearing No.MH-04.AA.6527 was seized on 24.01.2007, on the ground that the petitioner failed to produce the necessary documents in relation to it. The petitioner challenges the seizure.

Heard the learned counsel for the petitioner and learned Government Pleader for Transport.

A perusal of the Vehicle Check Report, dated 24.01.2007, issued by the 2nd respondent, discloses that the petitioner misused the vehicle as Maxi Cab and did not produce R.C., I.C., H.S. Tax, PUCC, driving licence, etcetera. Certain other lapses were also pointed out. The liability of the petitioner in the context of these observations needs to be established in the proceedings to be initiated under the relevant provisions of the Motor Vehicles Act. If the vehicle is detained and kept in the custody of the 2nd respondent till such proceedings take place, not only the petitioner would be put to irreparable loss, but also the vehicle would be exposed to the danger of theft and damage. The interest of the State can be protected by imposing necessary conditions while permitting the petitioner to keep the custody of the vehicle.

For the foregoing reasons, the writ petition is disposed of, directing that the vehicle of the petitioner shall be released, on condition that he deposits a sum of Rs.17,010/- towards tax and a tentative sum of Rs.5,000/-. He shall also file an undertaking to the effect that he shall not alienate the vehicle till the proceedings are concluded and that he would produce the vehicle as and when required. The payment of amount referred to above shall be subject to the outcome of the proceedings that may be initiated. There shall be no order as to costs.

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20.02.2007

Note: Issue C.C. tomorrow
(B/o)
Kdl